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ABSTRACT

This Congressional report discusses a House bill, the Drug Abuse Education and Prevention Act of 1986. This bill mandates the provision of federal assistance to states for programs of drug abuse education and prevention at the state level, in elementary and secondary schools, through community based organizations, and at institutions of higher education. The report contains the following sections: (1) committee action; (2) summary of related bills; (3) background and need for legislation; (4) summary of major features including a detailed explanation of the legislation, state responsibilites, local programs, federal programs, and forfeiture funds; (5) cost estimate from the Congressional Budget Office; (6) inflationary impact statement; and (7) a five-page section-by-section analysis of the bill. A statement by three Representatives supporting the creation of a National Drug Education Corps is included. (ABL)

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99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-808

DRUG ABUSE EDUCATION AND PREVENTION ACT OF 1986

SEPTEMBER 9, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAWKINS, from the Committee on Education and Labor, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 5378]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 5378) to establish a program of Federal grants to States for drug abuse education and prevention in elementary and secondary schools, and for other purposes, having considered the same, report favorably thereon with an amendment and recommended that the bill as amended do pass.

The amendment to the text of the bill is a complete substitute therefor and appears in italic type in the reported bill.

COMMITTEE ACTION

The Chairman of the Committee on Education and Labor, Augustus Hawkins, introduced the Drug Abuse Education and Prevention Act (H.R. 5378) on August 11, 1986. The bill is co-sponsored by Representatives Ford of Michigan, Gaydos, Clay, Biaggi, Murphy, Kildee, Williams, Martinez, Owens, Hayes, Perkins, Waldon, Solarz, Dymally, Atkins, Jeffords, Penny, Roukema, Chandler, McKernan, Bryant, Wirth, and Traficant.

A Full Committee hearing was held on August 12, 1986, on this bill and other bills related to drug abuse, which were pending before the Committee. Statements from public and private witnesses were presented to the Committee.

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The Chairman of the Select Committee on Narcotics Abuse and Control, Congressman Charles Rangel, testified at this hearing. He urged that this nation "take immediate steps to defend our children and families against the massive onslaught of illegal drugs engulfing our communities." Congressman Rangel emphasized that "drug abuse prevention and education efforts must be strengthened and improved. . . ."

Testifying at the same hearing, Governor Michael Dukakis of Massachusetts urged the Congress to take whatever steps are necessary and proper to see that all the States take responsibility to "cleanse our schools and schoolchildren of drugs and alcohol."

On August 12, 1986, by voice vote, the Committee on Education and Labor ordered favorably reported H.R. 5378, as amended, in the Committee markup session.

Brief Summary of Bills Concerning Drug Abuse Referred to the Committee on Education and Labor

1. H.R. 380 (Ortiz): to provide assistance to State, and local educational agencies (LEAs) for drug, alcohol, and tobacco education programs in elementary and secondary schools.

2. H.R. 1242 (Bennett): authorizes the Department of Education to establish a Comprehensive Substance Abuse Education Program to assist school districts in the United States in establishing and improving substance abuse education programs for elementary and secondary students.

3. H.R. 3769 (Traficant): to establish restrictions on the provision of financial assistance by the Secretary of Education to any State or LEA that does not impose certain requirements on schools under its jurisdiction with respect to drugs, alcohol, caffeine, or tobacco.

4. H.R. 4030 (Gejdenson): to provide financial assistance to States and LEAs for the development and expansion of demonstration chemical substance abuse prevention programs in public elementary, secondary schools of such agencies and for other purposes.

5. H.R. 4155 (Rangel): to establish a program of Federal grants to States for drug abuse education in elementary and secondary schools.

6. H.R. 5297 (Dymally): to provide grants through the Department of Education for drug and alcohol abuse prevention, early intervention, and rehabilitation demonstration partnerships based in elementary, junior high, high school, and college settings and for other purposes.

7. H.R. 5334 (Dingell): to establish Federal programs for the prevention and treatment of drug abuse (jointly referred to the Committees on Energy and Commerce, Interior and Insular Affairs, and the Judiciary).

8. H.R. 5336 (Bates): to establish a program of Federal grants to States for drug and alcohol abuse education in elementary and secondary schools.

9. H. Res. 519 (Shaw): to express the sense of the House of Representatives concerning the policies of colleges and universities with respect to the use of illegal narcotics among their students.

10. H.R. 5418 (McKay): to provide an emergency Federal response to the crack cocaine epidemic through law enforcement, education, and public awareness and prevention (jointly referred to the Committees on Energy and Commerce and the Judiciary).

11. H.R. 5213 (Luken): to establish the Congressional Advisory Commission on Intercollegiate Athletics to investigate and advise Congress regarding issues related to athletic programs at colleges and universities in the United States (jointly referred to the Committee on Energy and Commerce).

BACKGROUND AND NEED FOR LEGISLATION

National attention has recently been sharply focused on the exploding problem of drug abuse in our society as the people of this country confront such harsh realities as the dramatically increasing amount of drugs entering the United States and the ever younger age of children who are involved with drugs.

On July 23, 1986, the Speaker of the House of Representatives, Thomas P. O'Neill, Jr., announced that major drug abuse prevention legislation would be placed before the House for approval during the current session of Congress. The Speaker emphasized that drug abuse is no longer a problem for a few localities, rather it "has spread like wildfire to become not only a tragic national menace but a threat to our domestic peace and security."

President Reagan also pledged executive leadership for a national effort to fight the war against drug abuse in a televised speech on August 4, 1986.

The Committee believes that a successful campaign against drug abuse must address both supply and demand factors. Experts estimate that law enforcement intercepts only from 10 to 15 percent of the narcotics flooding the country. According to the Select Committee on Narcotics Abuse and Control, "even if we were to substantially increase the resources of our drug enforcement and interdiction agencies . . . we can expect to be clobbered by illicit drugs for the next several years." Americans consume 60 percent of the world's production of illegal drugs.

It is clear that drug use occurs at all income levels and among virtually all age groups. Some experts believe that from 65 to 70 percent of children have experimented with drugs. A recent survey of high school seniors revealed that 54 percent reported using marijuana or hashish, 26 percent stimulants, 18 percent inhalants, and 12 percent tranquilizers. Most disturbing was that cocaine use had risen to a new high of 17 percent and that more than one-third of the students did not feel that trying cocaine was dangerous.

The National Institute on Drug Abuse reported that "this nation's high school students and other young adults still show a level of involvement with illicit drugs greater than can be found in any other industrialized nation in the world."

The nation also has an economic stake in combatting drug abuse. Experts estimate that Americans spend upwards of $100 billion a year on illicit drugs. In other words, Americans spend on drugs the equivalent of half the annual deficit of the Federal government. Drug sales are larger than the total net sales of the General

Motors Corporation. Drug dealers take in more money than all of America's farmers.

It appears that narcotics abuse costs our nation more than $100 billion a year in higher health costs, drug-related crime and violence, and lost productivity. For example, about 80 percent of those behind bars—twice the rate in the general population—have taken drugs; and one-third of all inmates in federal prisons are serving time for drug-related violations.

Alarmed by the tremendous drug problems facing this nation, the public has voiced its overwhelming concern about drug abuse, especially among the young, as indicated in recent polling data.

The Committee believes that enhanced law enforcement efforts—interdiction, border control, customs inspection, etc.—must be accompanied by drug abuse education and prevention programs.

This nation seeks to provide education for all of its young people through the schools, enforced by a virtually universal policy of compulsory school attendance requirements through the mid-teenage years. Accordingly, the Committee contemplates that most of the activities under this legislation will be school-based.

Summary of Major Features

PURPOSE

To provide Federal assistance to States for programs of drug abuse education and prevention at the State level, in elementary and secondary schools, through community-based organizatons, and at institutions of higher education.

STATE PROGRAMS

In order to receive funds, the States must submit applications to the Secretary of Education. The funds may be used for the development, acquisition, dissemination, and implementation of model curricula, for demonstration projects, for training, and for technical assistance.

The application to the Secretary must include a comprehensive statewide plan, cost estimates, provision for a State Advisory Council, an evaluation plan, and record-keeping provisions.

Assurances must be given that financial assistance under this legislation will only be available to local educational agencies that establish mandatory drug abuse education and prevention programs in elementary and secondary schools, and that there will be equitable distribution of funds throughout the State and coordination efforts with other programs.

Applications would cover a period of up to three fiscal years, but may be amended annually.

The Governor must reserve at the State level an amount consistent with the number of dropouts in the State in order to enter into contracts with community-based organizations to provide drug abuse and prevention programs to dropouts.

Community-based organizations may also receive funds to work with school-age children after school hours and summer vacations.

State allotments would be based on school-age population of the States, except that no State shall receive less than an amount equal to 0.5 percent of the amount available.

The Federal government provides full funding in the first year. A twenty-five percent non-Federal match would be required in the second and third years. Matching funds may be in-kind. Waiver of the matching requirement is authorized for distressed areas or in exceptional circumstances.

LOCAL SCHOOL PROGRAMS

Funds are made available to local or intermediate educational agencies or consortia in accordance with approved applications.

Local applications must include a program plan, cost estimates, designation of a local advisory council, assurances that elementary and secondary schools will have drug abuse education and prevention programs, and a coordination plan with other appropriate agencies.

Allowable activities include development and implementation of curricula, counseling, referral, inservice and preservice training, prevention and early intervention programs, and education programs, including programs for parents.

Provisions are made for the participation of children and teachers from non-profit private schools.

Local applications cover a period not to exceed three fiscal years, but may be amended annually.

NATIONAL DRUG ABUSE EDUCATION AND PREVENTION PROGRAM

The Secretary of Education would provide information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by a Clearinghouse for Alcohol and Drug Abuse Information. The Secretary would also provide technical assistance to educational agencies, and identify research and development priorities.

The Secretary of Education, in conjunction with the Secretary of Health and Human Services, would conduct a study regarding the nature and effectiveness of existing programs. A report must be submitted to Congress not later than one year after enactment.

NATIONAL ADVISORY COUNCIL

The bill provides for a National Advisory Council of between fifteen and twenty-five members, to be appointed by the President. Council members should be nationally prominent, shall serve without pay, and shall advise the Secretary of Education on attracting and focusing national attention on the problem of drug abuse.

INSTITUTIONS OF HIGHER EDUCATION

Grants and contracts would be awarded to institutions of higher education (including community and junior colleges) on a competitive basis. The Secretary would be required to give appropriate consideration to colleges and universities of limited enrollment.

Funds would be available to institutions for the purposes of preservice and inservice training, summer institutes and workshops,

research and demonstration and exemplary programs, and programs for law enforcement officials, community leaders, parents, and government officials.

Not less than fifty percent of the funds available for institutions of higher education must be used for grants for programs of drug abuse education and prevention for students.

PROGRAMS FOR INDIAN CHILDREN

The Secretary shall make payments and enter into arrangements for programs to serve Indian children through the Department of the Interior, local educational agencies, and Indian organizations in addition to such other programs as are available to eligible Indians under other provisions in the bill.

The legislation amends the two basic Federal statutes providing education services to Indians. In-service training of counselors with respect to alcohol and substance abuse would be a permissible activity under the Indian Elementary and Secondary School Assistance Act which benefits Indian students in public schools, and up to ten percent of the available funds under the Indian Education Act would be set aside for a fellowship program for specialized training of guidance counselors. A locally-developed program of alcohol and substance abuse prevention and education would be required to be incorporated into the curriculum of all schools funded by the Bureau of Indian Affairs and summer programs would be an option. All of these activities will come from existing funds.

FUNDING

The bill authorizes appropriations of $350,000,000 for each of fiscal years 1987, 1988, and 1989 for drug abuse education and prevention programs under this legislation.

One percent is allotted to the territories; one percent for programs for Indian children; five percent for national programs; ten percent for programs with institutions of higher education; and the remainder (eighty-three percent) for allotment for State and local programs.

The bill also authorizes transfers of funds up to $10 million each from the Department of Justice Assets Forfeiture Fund and the Customs Forfeiture Fund to carry out the purposes of the Drug Abuse Education and Prevention Act in each of the Fiscal Years 1987 through 1989.

DETAILED EXPLANATION OF THE LEGISLATION

The Committee wishes to emphasize the integral role of school-based education in the nation's battle to combat drug abuse. Drug abuse education and prevention programs can decrease the demand for drugs. Early intervention is particularly crucial and specific attention needs to be focused on the early grades and middle school-age years.

The Committee recognizes that there are many approaches to drug abuse education and prevention. States and localities should consider a broad array of approaches. This legislation seeks to pro-

vide incentives for developing effective approaches, and to facilitate the dissemination of knowledge about the best of them.

National Advisory Council

The Committee believes that drug abuse education and prevention deserves to be given a high priority by national policymakers. One means of doing this is the creation of a National Advisory Council on Drug Abuse Education and Prevention which will focus national attention on the problems of drug abuse by initiating and coordinating a national media campaign designed to prevent the use of drugs as well as ending drug abuse by school-aged youths.

Members of the National Advisory Council should act as national spokesmen against drug use by school-aged youths in a variety of public forums, including television, public speaking appearances, and advertisements.

The Committee emphasizes the national role of the Council in supporting and publicizing programs of drug abuse education and prevention. Also, the Committee stresses the importance of including National Advisory Council members from the fields of entertainment and athletics, who would be easily recognizable role models for young persons.

STATE RESPONSIBILITIES

State Activities

State activities include (1) the development, acquisition, dissemination, and implementation of drug abuse education and prevention model curricular materials for elementary and secondary schools throughout the State, (2) demonstration projects of drug abuse education and prevention, (3) programs of inservice and preservice training in drug abuse education and prevention for teachers, counselors, other educational personnel (including law enforcement officials), and community leaders, (4) technical assistance to help local and intermediate educational agencies and consortia and community-based organizations, (5) other drug abuse education and prevention activities consistent with the purposes of the legislation, and (6) State administrative costs.

In order to receive funds, a State application must include (1) a comprehensive state-wide plan for programs, (2) cost estimates for establishment and operation of such programs, (3) designation of a State agency responsible for administration and supervision of the program, (4) provision for a State Advisory Council on Drug Abuse Education and Prevention appointed by the Governor and broadly representative, (5) assurances that funds will only be given where there exists a mandatory drug abuse education and prevention program in elementary and secondary schools, (6) assurances that the State will ensure equitable distribution of funds throughout the State, (7) assurances that the State will coordinate its efforts with appropriate Federal, State, and local law enforcement officials and with other related programs, (8) assurances education the Federal funds shall be used to supplement, not supplant, funds education would otherwise be available, and (9) keeping satisfactory records and providing them to the Secretary as may be required.

Applications for financial assistance would be for 3 fiscal years and may be amended annually without filing a new application.

Dropouts and pregnant teenagers

It is a tragedy of crisis dimensions how many school-age children use drugs. Many of them are in school and will benefit from the kinds of in-school activities authorized in this legislation. Those who are not in school must also be taught about the dangers of drug abuse.

The Committee recognizes that there is a correlation between drug abuse and dropouts. According to *Drugs and Dropouts*, a report issued by the House Select Committee on Narcotics Abuse and Control, ". . . drug use is greater among dropouts than other students and those most in need of assistance may be those most difficult to reach." Our Committee intends that the Governor's responsibility for funding special programs for dropouts directly address this urgent need.

The Select Committee's report on dropouts cites the problem of drug abuse by pregnant teenagers, who usually drop out of school, and are therefore at an even higher risk than other dropouts of not being reached. The Committee feels that pregnant women, including teenagers, who have a drug abuse or addiction problem are especially at risk and in need of assistance. Because a high proportion do not complete school, they can be assisted by community-based organizations under this provision. Clinics for the WIC program (for Women, Infants, and Children) also offer a place where pregnant women, including teenagers, taking drugs can obtain drug abuse education information and assistance.

Coordination and linkages

The Committee-reported legislation provides that State applications must describe the manner in which the State will coordinate its efforts with those Federal, State, and local programs having expertise in the area of drug abuse education, prevention, treatment, and rehabilitation.

The Committee also intends that in implementing this requirement the States will fully utilize the experience of other entities such as the officially-designated State Alcohol and Drug Agency in each State. These State Alcohol and Drug Agencies have more than 15 years of experience in planning and administering the State alcohol and drug treatment and prevention network. In all States, these agencies are responsible for the development and sponsorship of community prevention activities, and in some cases the provision of drug and alcohol educational services in the local school systems.

There is an extensive infrastructure of law enforcement, social service providers, health professionals, educators, and others in place to help combat drug abuse. The Committee believes that establishing linkages and coordinating education programs with other programs to launch a multi-pronged attack on drugs is the most effective approach.

State planning and administration of this program should be coordinated with the State-level administration of other Federal programs such as the Juvenile Justice and Delinquency Prevention

Act of 1974 and the VISTA Program authorized under the Domestic Volunteer Service Act.

The Committee intends that meaningful coordination take place on all levels. The legislation provides significant flexibility for LEA's to develop or expand programs relevant to their needs. In doing so, the Committee encourages local educational agencies to consider the option of making drug abuse education and prevention programs part of a comprehensive health education program in the schools, rather than a program standing alone.

The Committee calls attention to the fact that funds made available to States and LEAs under these provisions may be used to facilitate programs that make extensive use of athletes, popular musicians, and other celebrities in combatting drug abuse among students.

State and local advisory committees

Realistically, school personnel and school resources by themselves will not be able to solve the drug abuse problem among young people. This is why coordination between the schools and the communities which they serve is important as a first step in the development of a program. The legislative provision for local advisory committees made up of school personnel, parents, professionals, and other individuals interested in drug abuse treatment and prevention is intended to provide an avenue of coordination of school programs with community-wide efforts to halt drug abuse.

Ideally, the advisory committees will act as a mechanism by which communities may facilitate the design, not simply of an anti-drug program for the school but rather that of an anti-drug abuse campaign for the entire community. States are therefore encouraged to look with favor on local proposals, even for initial funding if feasible, which have been prepared with the assistance of advisory committees designated at the beginning of the planning process.

It is equally important that the States make use of the State advisory councils in preparing their State plans. The available resources to combat the drug problems in the entire State may be coordinated through an effective State advisory council.

While the legislation specifies that certain kinds of individuals who at a minimum must be included on such advisory committees, the States and the local educational agencies are free to include others whose membership would enhance the effectiveness of the advisory committees.

LOCAL PROGRAMS OF DRUG ABUSE EDUCATION AND PREVENTION

Under the Committee-reported legislation, grants to local and intermediate educational agencies and consortia may be used for (1) the implementation, development, and acquisition of drug abuse education and prevention curricula for elementary and secondary schools, (2) school-based programs of drug abuse prevention and early intervention (other than treatment), (3) drug abuse education programs including programs for parents and other family members, (4) drug abuse prevention counseling programs for students, (5) referral for drug abuse treatment and rehabilitation, (6) programs of inservice and preservice training in drug abuse education

and prevention for teachers, counselors, other educational personnel, public service personnel (including law enforcement officials) and community leaders, (7) other drug abuse education and prevention activities consistent with the purposes of this Act, and (8) administrative costs.

The Committee wishes to encourage programs that provide services throughout the year. To this end, funds appropriated but not completely expended in one Federal fiscal year may be carried over to the next fiscal year. Moreover, expenditure of funds may be carried out on the basis of an academic year, or, if the program is to be a year-round program, on the basis of any suitable annual cycle.

Education, prevention, early intervention, and rehabilitation referral

The Committee recognizes that different types of anti-drug abuse efforts are appropriate for children at various age levels.

For young children who have never used a drug, the focus should be on programs to prevent drug use from ever beginning. Statistics indicate that by the intermediate or junior high school years, some children have begun to experiment with drugs. For these children, early intervention programs are needed.

An alarming number of children of high school age have been exposed to drugs and much of the effort necessary to help these children may be beyond the capacity and expertise of school personnel. Addicted youths should be referred to professional mental and physical health and social service providers.

Similarly, different educational efforts are appropriate for various age levels. These educational activities may be separate and distinct from prevention, early intervention, and rehabilitation referral programs.

This legislation is intended to support a broad range of appropriate school-based initiatives aimed at preventing drug abuse, reducing the likelihood that experimentation will grow into addiction, and linking addicts and their families with suitable drug abuse treatment and rehabilitation services.

The Committee does not expect drug abuse education and prevention programs for students to be sporadic or occasional, but rather intends for such programs to be ongoing. The program should comprise a continuous effort, integrated into regular school programs. Furthermore, the program should not only be continuous throughout the school year, but also throughout all the range of school years, from early childhood through kindergarten.

The Committee believes that it should be a priority to begin age-appropriate, developmentally-based drug abuse education programs, including classroom instruction, in elementary school and continue them through high school.

School team approach

Since 1976, the Office of Elementary and Secondary Education (in the Department of Education) has provided financial support for a "school team approach" under the Alcohol and Drug Abuse Education and Prevention program (ADAEP). Under this approach, a team consisting of school administrators, teachers, parents, students, and community members submits a proposal and receives

training at one of five regional training centers. The program has trained 18,700 individuals and 4,650 teams.

The Committee supports and encourages the use of the "school-team approach", as embodied in the Department of Education ADAEP program. It is an example of a potential model which should be considered as programs are developed at the local level. The Committee-reported legislation provides flexible discretionary funding at all levels which could be used to develop, acquire, and implement such approaches.

Role of counselors

The Committee feels that the role of the professional school counselor should be especially recognized. The professional counselor, in educational or mental health settings, works with students who face such problems as difficulties with family and peer relationships, low self-esteem, lack of interest in academic achievement, emotional stress, and difficulties dealing with physical changes. Any of these may be the basis for a student to abuse drugs and alcohol.

The Committee intends that this legislation encourage development of effective counseling programs. Many successful approaches have been tried in the counseling area. These approaches use professional counselors, and peers, student leaders, parents, and reformed addicts. Moreover, counseling has been carried out in individual and group settings and has involved parents and families of drug abusers, as well as the abusers themselves. If any one of these approaches, or any other counseling approach, appears appropriate for the school-based setting in which it is to be used, then the approach may be considered for funding under this legislation.

Dealing with drug-related misconduct

An absolutely essential component of any program designed to prevent the use of drugs by our nation's children is the enforcement of disciplinary codes by the schools. It is contradictory and counterproductive to hold classes and assemblies to educate students on the hazards of drugs if they can take or sell drugs on school grounds without fear of suffering penalties.

This bill was amended in the Committee markup session, at the urging of Mrs. Roukema, to require the enforcement of rules and regulations of student conduct relating to drugs. Local educational agencies are not to receive grants under this legislation unless they have in effect and enforce student disciplinary codes prohibiting drug-related conduct.

School administrators must accept responsibility for keeping drugs, and students who are under the influence of drugs, off the grounds of their schools. The most appropriate way to keep schools free of drugs is to firmly and effectively discipline students who are found to be "high" on drugs or who are distributing drugs to other students.

It is widely perceived that, in recent years, many administrators have become increasingly reluctant to discipline students who seriously misbehave. It is sometimes said that such reluctance is due to a fear of being sued. Whatever the reasons, the prevalence of drugs in our schools demands that administrators assume their authority

for enforcing standards of conduct and that they receive the support of the community for doing so.

We think that the overwhelming majority of parents would agree that principals and teachers in elementary and secondary schools should accept the role of serving *in loco parentis* during the period of time when children are entrusted to their supervision and care. Accordingly, the enforcement of a disciplinary code regarding drug-related conduct is established as a condition for a local school system to receive a grant under this legislation. For the first time, the Federal government would be making a statement that it backs up local administrators who discipline students for taking and distributing drugs on school grounds.

The Committee wishes to emphasize two points regarding the required disciplinary codes.

First, this legislation requires that any disciplinary codes regarding drug-related conduct be age-related and developmentally-based. It is crucial that disciplinary measures be appropriate for the age of the child affected. The Committee stresses that all schools should have both firm leadership and well-defined programs designed to handle any misconduct related to drugs. Furthermore, since the purpose is deterrence, children must be informed of the existence of disciplinary codes and of the fact that they will be enforced.

Second, due process must be provided in the enforcement of these disciplinary codes by school administrators. When a student has been accused of drug-related misconduct, that student must be given a chance to be heard to present his or her side of the story before any disciplinary action is taken. Furthermore, the Committee emphasizes that the rules and regulations regarding drug-related student conduct must be implemented and enforced on a nondiscriminatory basis. Administrators must guard against any differential treatment of minority group children.

Also required as a condition for receiving Federal grants is that the educational agencies coordinate their efforts to combat misconduct related to drugs with Federal, State, and local law enforcement officials. This means that school administrators must bring in law enforcement officials when necessary, particularly in those serious case where students are distributing drugs on school grounds.

In the Massachusetts effort to combat drug use by students, communities are encouraged to formulate a written memorandum of understanding between the school superintendent and the local police chief which outlines the procedures each will follow for dealing with students caught using or selling drugs and which sets out a process for school-police cooperation. The Committee thinks that communities throughout the nation should implement such memoranda of understanding with local law enforcement officials.

FEDERAL PROGRAMS

Higher education

Ten percent of the funds appropriated to carry out this legislation would be reserved for providing financial assistance to institutions of higher education for drug abuse education and prevention programs.

Not less than 50 percent of the funds for institutions of higher education would be available for drug abuse education and prevention programs (including rehabilitation referral) for their own students.

The remainder is available for training grants. Projects can include, along with preservice and inservice training for teachers, the training of other personnel in the field, including guidance counselors, parents, law enforcement officials, community leaders, and government officials.

The Committee intends for the Secretary of Education to fund applications covering a broad range of activities aimed at drug education and prevention. These activities would include summer institutes and workshops, research and demonstration programs for teacher training and retraining, and training programs for law enforcement officials, community leaders, parents, and other government officials.

The Secretary is also required to make grants to institutions of higher education for model demonstration projects to be coordinated with local elementry and secondary schools for the development and implementation of quality drug abuse education curricula. Priority is to be given to joint projects which involve both college faculty and local classroom teachers in the practical application of the findings of educational research and evaluation, and the integration of such research findings into quality drug abuse education and prevention programs.

The Committee-reported legislation includes specific reference to community and junior colleges for carrying out activities under this legislation. The Committee expects the Secretary to give special consideration to applications that include these postsecondary institutions since there are many such institutions throughout the nation, accessible to nearly all American communities, both urban and rural. These local campuses are ideal locations for the conduct of summer institutes and workshops for easy access by parents, teachers, and others seeking training in how to deal with local drug abuse problems, as well as by those individuals who are targeted for assistance in drug abuse education and prevention programs under this legislation. The use of community and junior colleges offers an especially cost-effective means of conducting many of the activities under the legislation.

Financial assistance to institutions of higher education would be made on a competitive basis. The Committee stresses the importance of the mandate to ensure the equitable geographic participation of private and public postsecondary institutions. A statutory requirement is included in the legislation to assure that, in the award of grants and contracts, appropriate consideration must be given to colleges and universities with limited enrollments.

The Committee expects that many institutions, particularly those in reasonable geographic proximity to each other, may jointly develop proposals for grants and contracts to support programs which may include sharing of resources and personnel. This would be appropriate for programs of drug abuse education and prevention for students on various campuses, as well as other programs carried out by institutions of higher education under this legislation.

Programs for Indian children

The Committee-reported legislation amends the Indian Education Act to authorize the use of funds for inservice training of school counselors. It also directs that fellowship funds may also be used for study in the field of clinical psychology (a change required by the Department's unduly restrictive interpretation of the current authorization).

The Indian Education Act is also amended to place a priority on fellowships for those entering programs for a degree in alcohol and substance abuse counseling.

The Committee encourages the Indian Health Service and the Bureau of Indian Affairs (BIA) in the Department of the Interior to also give special consideration to fellowship requests for training in this area of study. It is only with a trained group of qualified personnel that the purposes of this Act can be fulfilled.

The Committee also expects that the Bureau of Indian Affairs shall begin to provide inservice training in a consistent and periodic fashion, either directly or through contract with qualified persons and in manner consistent with the wishes of the local school board. Of course, preference would be given to qualified American Indian and Alaskan Native individuals to be training providers.

All BIA-funded schools are to establish alcohol and substance abuse education and prevention programs. The Committee specifically notes the need for technical assistance in the area curriculum development and programs coordination.

However, specific authority for the implementation of these programs and the specific curriculum to be used, is clearly left to the local school administration and school board. The BIA is to provide service upon request, and it is to be assistance not dictation.

A standard curriculum which may be accepted nationally as proved effective may or may not be relevant for the purposes of this legislation. The Committee notes that some of the most successful alcohol and substance abuse programs developed for Indians and Alaskan Natives have been locally developed and have utilized traditional tribal leaders and native healing in the treatment of alcohol and substance abuse. The Committee further notes the importance of role models for Indian youth to address inhouse those situations where personnel are not acting in a manner to be an appropriate role model. Agencies are encouraged to deal forthwith with personnel who may have alcohol or substance abuse problems.

Testimony before the Congress by the Bureau of Indian Affairs has been misleading in stating that alcohol and substance abuse curricula were in place at many schools. Open close examination, it became evident that, in too many instances, what the Bureau of Indian Affairs was reporting as a program in place consisted of a poster on the bulletin board or a guest lecture once or twice a year. There are few comprehensive education or treatment programs targeted at addressing the problem of Indian youth alcohol and substance abuse in Indian country. This legislation is designed to provide a comprehensive programmatic approach to education, prevention, and treatment of alcohol and substance abuse. A poster or guest lecture does not suffice and these shortcuts to fulfilling the purposes of this legislation are not acceptable. The Committee does

not accept the testimony by the Bureau of Indian Affairs that 122 of the 183 BIA-funded schools have alcohol and substance abuse programs in place. The Committee directs that an alcohol and substance abuse program is to be a curriculum-based program incorporated into the school system to be implemented in a consistent, integrated, and ongoing manner. Local school boards are encouraged to work with public schools and other community-based programs for Indian youth. More than half of this nation's Indian youth do not live on Indian reservations and more than 80 percent of Indian youth attend public schools. To the extent possible, training and programs to meet the needs of these youths should be considered.

For schools operated directly by the Bureau of Indian Affairs, reporting requirements are included so there can be accurate reporting of all incidents relative to alcohol and substance abuse. It is only with this data that Congress will be able to make the necessary assessment for funding the various provisions of the legislation. There are currently no accurate statistics which show how many youths are affected; nor is there any information on early detection and treatment mechanisms that are effective. This legislation would correct this.

The Congress received, and agreed with, testimony on the importance of providing summer programs and recreational opportunities to fulfill the purposes of this legislation. However, once again the Committee realized that the current posture against increased funding would mean that any statutory requirement in this area would mean a cut in other locally established programs. The Committee again resolved this by making this an authorized use of Indian Student Equalization Funds, to be controlled at the local level. The Committee stresses that the Central Office should take no action to hinder this local control. In those instances where the local school administration and school board decide on summer programs of academic and support services, the Bureau of Indian Affairs is directed to provide for the utilization of school facilities and provide technical assistance. Funds from other sources may be used to augment summer program services. In those instances where a school board requires in their financial plan that funds be provided from Indian Student Equalization Funds for summer programs, an academic component must be included in the program.

Study of drug abuse at the workplace

The Secretary of Labor would be required to collect information on the incidence of drug abuse in the workplace and on the availability of counseling, rehabilitation, and employer programs of prevention and assistance. He shall report to the Congress within two years after enactment. A separate appropriation of $3 million for the first fiscal year is authorized for this study.

FORFEITURE FUNDS

Two years ago, Congress established two funds to utilize assets seized by the Federal government from drug traffickers to help law enforcement put other traffickers out of business: The Department of Justice Assets Forfeiture Fund and the Customs Forfeiture Fund. While these funds are now reserved for certain specified law

enforcement purposes, there is a substantial surplus that is not being spent and is returned to the general fund of the Treasury at the end of each fiscal year. That surplus, which is expected to amount to more than $40 million at the end of FY 1986, is what our Committee has targeted for drug abuse education and prevention efforts.

By establishing these two funds, Congress clearly intended to use the forfeited assets of drug traffickers for purposes of combating drug abuse. Title II of the Committee-reported legislation is consistent with this policy and is not intended to diminish law enforcement functions currently supported by the funds.

Both funds are extended for two additional years to coincide with the authorization period of this legislation. The increase in the authorization level for the Customs Forfeiture Fund recognizes that much more than the currently authorized $10 million is accruing in the Fund, and this surplus amount should be spent on either law enforcement or drug abuse enforcement or drug abuse education and prevention functions, rather than being returned to the general fund of the Treasury.

If the proposed utilization of these two Forfeiture Funds, as authorized by title II of this legislation, is not to be included in the Omnibus Anti-Drug Bill acted upon by the House this year, the essential concept should nevertheless be given serious legislative consideration next year by the various Committees of the House with jurisdictional concerns.

Cost Estimate

The Congressional Budget Office (CBO) has provided the Committee on Education and Labor with the following estimate on the costs which will be involved in implementing this legislation. The Committee concurs with and adopts CBO's estimate, pursuant to Clause 7 of Rule XIII of the Rules of the House of Representatives. No other estimates have been received from any other Federal department or agency.

The Congressional Budget Office letter follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, August 28, 1986.

Hon. Augustus F. Hawkins,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the attached cost estimate for H.R. 5378, the Drug Abuse Education and Prevention Act of 1986, as ordered reported by the House Education and Labor Committee on August 12, 1986.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

Edward Gramlich
(For Rudolph G. Penner).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 5378.

2. Bill title: Drug Abuse Education and Prevention Act of 1986.

3. Bill status: As ordered reported by the House Committee on Education and Labor on August 12, 1986.

4. Bill purpose: The purpose of this bill is to authorize through 1989 federal financial assistance to states and to institutions of higher education for drug abuse education and prevention programs. In addition, the bill would establish a National Advisory Council on Drug Abuse Education and Prevention. This bill is subject to subsequent appropriations action.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1987	1988	1989	1990	1991
Drug abuse programs:					
Authorization level	350	350	350		
Estimated outlays	28	266	350	322	84
Study of drug abuse:					
Authorization level	3				
Estimated outlays	2	1			
Department of Justice assets forfeiture fund:					
Authorization level	10	41	42		
Estimated outlays	10	40	42	1	
Customs forfeiture fund:					
Authorization level	10	12	12		
Estimated outlays	10	12	12		
Bill total:					
Authorization level	373	403	404		
Estimated outlays	50	319	404	323	84

The costs of this bill fall within function 500.

Basis of estimate: This bill authorizes funds for grants to states and institutions of higher education for drug abuse education and prevention programs. The bill also authorizes the establishment of federal drug abuse education programs and a National Advisory Council on Drug Abuse Education and Prevention. The authorization levels for these programs and for a study on drug abuse in the workplace are stated in the bill.

This bill also authorizes the use of funds from the Department of Justice Assets Forfeiture Fund and from the Customs Forfeiture Fund to carry out its provisions. The funding levels are stated in the bill at $10 million from each Fund. In addition to the authorizations for the use of these Funds for drug abuse programs, this bill would extend through 1989 the authorizations for expenses necessary to administer these Funds. These expenses are already authorized through 1987. This bill would extend these authorizations at such sums as may be necessary. The 1987 estimate for both Funds reflects the additional $10 million authorized for drug abuse programs above the already-authorized amount for expenses.

The 1988 and 1989 estimates for the Department of Justice Assets Forfeiture Fund are based on the 1986 funding level of $28.71 million, adjusted for inflation, and added to the $10 million

for drug abuse programs. The estimate for the Customs Forfeiture Fund is based on our projection that future fund receipts and balances will be over $20 million in 1987, decreasing to $12 million in 1988 and 1989. The appropriation for this fund is limited by law to the amount of receipts for the year. The 1988 and 1989 estimates are based on our assumption that appropriations would be limited to the $12 million projected for receipts.

The cost to the federal government from spending to administer these Funds may be partially or completely offset by the collections generated. No reliable estimate of the relationship between spending and collections is available.

Outlay estimates were made assuming full appropriation of estimated authorization levels. Outlays reflect the current spending pattern of education grant programs and the two forfeiture funds.

6. Estimated cost to State and local government: The grants to state and local governments in 1988 and 1989. The federal share of program costs would be 100 percent in 1987, but would be limited to 75 percent in 1988 and 1989. If these programs were federally funded at $350 million, state and local governments would be required to spend $117 million.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Ken Pott.

10. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

Inflationary Impact Statement

Pursuant to Clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, and after reviewing the Congressional Budget Office cost estimate, the Committee expects this legislation will not have any significant inflationary impact.

Oversight Findings of the Committee

With reference to Clause 2(l)(2)(A) of Rule XI of the Rules of the House of Representatives, the Committee conducted a legislative and oversight hearing as described under "Committee Action" which contributed to the Consideration of this legislation.

Statement Regarding Oversight Reports From the Committee on Government Operations

With reference to Clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee status that no reports with findings or recommendations of the Committee on Government Operations were received during the 99th Congress with respect to the subject matter addressed in H.R. 5378.

Section-by-Section Analysis of H.R. 5378, as Reported

TITLE I—DRUG ABUSE EDUCATION AND PREVENTION PROGRAMS

Section 101. Short title

This section sets forth the short title of the legislation as the "Drug Abuse Education and Prevention Act of 1986".

Section 102. Findings and purpose

Subsection (a) sets out the finding of Congress that drug abuse education and prevention programs are an essential component of a comprehensive initiative to reduce the demand for and use of drugs.

Subsection (b) sets forth the legislative purpose to establish programs of drug abuse education and prevention (coordinated with related community efforts and resources) through the provision of Federal financial assistance (1) to States for grants to local and intermediate educational agencies and consortia, (2) to States for grants and contracts to community-based organizations, (3) to States for model and other development programs and technical assistance, (4) to institutions of higher education for teacher training programs, (5) to institutions of higher education for drug abuse education and prevention programs involving their own students.

Section 103. Establishment

This section provides that the Secretary of Education shall establish Federal financial assistance programs for drug abuse education and prevention in elementary and secondary schools and institutions of higher education in accordance with provisions of this legislation.

Section 104. National Advisory Council

This section creates a National Advisory Council on Drug Abuse Education and Prevention to focus national attention on drug-related problems.

Section 105. Allotment of funds

Of the funds made available for this title, the Secretary shall reserve 1 percent for Guam, American Samoa, the Virgin Islands, Trust Territory of the Pacific Islands and Northern Mariana Islands, 1 percent for programs for Indian children, 5 percent for national programs, and 10 percent for institutions of higher education. The remaining 83 percent is for allotments to States by a formula based on the ratio of each State's school-age population to the national school-age population.

Part A. State and Local Programs to Improve Drug Abuse Education and Prevention

Section 110. Allocation of State funds

Subsection (a) requires the Governor to reserve 10 percent for State activities, and an additional amount consistent with the number of dropouts in the State for purposes of section 117.

Subsection (b) provides that, from the remainder, the State educational agency (in consultation with the State Advisory Council for Drug Abuse Education and Prevention), shall make grants to local and intermediate educational agencies and consortia.

Subpart 1. State Programs of Drug Abuse Education and Prevention

Section 115. State activities

This section describes State activities for which funds reserved for this section under (section 110) may be used in accordance with an approved application.

These activities include development, acquisition, dissemination, and implementation of curricular materials, demonstration projects, inservice and preservice training, and technical assistance. Not more than 5 percent of funds available for State activities may be used for administrative costs.

Section 116. State applications

This section sets forth the requirements for applications submitted to the Secretary by the States.

Section 117. Programs for school dropouts, and for school-age children, after school hours and during summer vacations

This section authorizes the Governor to use amounts reserved for this section (under section 110) to make grants and enter into contracts with community-based organizations of demonstrated performance for the purpose of implementing drug abuse education and prevention programs for school-age dropouts, and for programs for school-age children after school hours and during summer vacations and other periods of non-attendance.

Subpart 2. Local Design of Programs of Drug Abuse Education and Prevention

Section 121. Local design of programs

Funds made available to local or intermediate educational agencies or consortia may be used for: (1) the development, acquisition, and implementation of drug abuse education and prevention curricula for elementary and secondary schools, (2) school-based programs of drug abuse prevention and early intervention other than treatment, (3) drug abuse education programs include those for parents and other family members, (4) drug abuse prevention programs for students, (5) programs of drug abuse treatment and rehabilitation referral, (6) programs of inservice and preservice training in drug abuse education and prevention. Not more than 5 percent of any grant may be used for administrative costs.

Section 122. Local applications

This section sets forth the requirements for applications submitted to the Secretary by local or intermediate educational agencies or consortia.

Part B. Federal Programs of Drug Abuse Education and Prevention

Section 131. National program of drug abuse education and prevention

This section provides for the Secretary of Education, in conjunction with the Secretary of Health and Human Services, to establish a national education and prevention program on drug abuse.

Section 132. Grants to institutions of higher education

This section provides for grants to institutions of higher education. The Secretary is required to make every effort to ensure equitable geographic participation of public and private institutions of higher education (including community and junior colleges), and is required to give appropriate consideration to colleges and universities of limited enrollment.

Section 133. Programs for Indian children

Subsection (a) specifies the purposes for which the funds reserved for programs for Indian children (under section 110) may be used.

Subsection (b) contains amendments to the Indian Elementary and Secondary School Assistance Act and the Indian Education Act.

Part C. General Provisions

Section 141. Definitions

This section defines terms used in the legislation.

Section 142. Functions of the Secretary of Education

This section sets forth administrative provisions and the Federal share of the cost of State and local programs assisted under this Act.

The Federal share is 100 percent the first year and 75 percent for subsequent years. The Secretary may waive the non-Federal matching requirement for distressed areas or exceptional or uncontrollable circumstances.

Section 143. Participation of children and teachers from private nonprofit schools

This section sets forth provisions for the participation of children and teachers from private nonprofit elementary and secondary schools.

Section 144. Study of drug abuse at the workplace

This section provides for the Secretary of Labor to conduct a study concerning drug abuse at the workplace and to submit a report to Congressional Committees. The sum of $3,000,000 is authorized to be appropriated to the Secretary of Labor for fiscal year 1987 for this program.

Section 145. Authorization of appropriations

This section authorizes appropriations of $350,000,000 for each of fiscal years 1987, 1988, and 1989 to carry out drug abuse education and prevention programs under this title.

Section 146. Effective date

This section provides that title I of this legislation shall be effective October 1, 1986.

TITLE II—USE OF DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND AND CUSTOMS FORFEITURE FUND FOR DRUG ABUSE EDUCATION

Section 201. Use of funds

This section authorizes up to $10 million each from the Department of Justice Assets Forfeiture Fund and the Customs Forfeiture Fund to be used to carry out the Drug Abuse Education and Prevention Act.

Both of these funds (scheduled to expire at the end of fiscal year 1987) are extended until the end of fiscal year 1989. The authorization level for the Customs Forfeiture Fund would also be increased from a maximum of $10 million to such sums as necessary.

ADDITIONAL VIEWS TO ACCOMPANY COMMITTEE REPORT ON H.R. 5378

The scope of drug use is a national concern that crosses every geographical, ethnic, age, racial, occupational and religious grouping. The need for a national effort to educate our citizens about the consequences of drug abuse is vital for the health and safety of this country. The Drug Abuse Education and Prevention Act is clearly reflective of this view. However, we believe the creation of a National Drug Education Corps (NDEC) would also be an important component of this essential undertaking.

NDEC would consist of a cadre of trained professionals, such as drug therapists, physicians and psychologists, working in conjunction with local schools, community-based organizations, religious and other groups, in a broad-based national drug education drive aimed at all actual and potential drug abusers. In the spirit of organizations such as the Peace Corps and VISTA, NDEC would involve an extended commitment of time and people working in the community.

Together with local leaders and community role models, NDEC members would develop and implement local drug education strategies, and would stress the reasons for drug abuse and the need for vigilance against both intentional and unwitting addiction.

Drug education programs such as the Drug Abuse Resistance Education (DARE) Program of the Los Angeles Police Department and the School Program to Educate and Control Drug Abuse (SPECDA) of the New York City Police Department have had substantial local success in alerting our students to the dangers of drug use. NDEC would supplement such projects, expanding the area of contact beyond the schools. Illustratively, in areas where school drop-out rates are high, it is necessary to reach our young people in environments other than schools. NDEC members, working with community based groups, could spend time in parks, recreational centers and other areas where young people might congregate. We must expand our efforts in order that we reach both those who need to learn about drugs before they make any decision to try them, as well as those who currently are users.

We would encourage our Committee, and the House Select Committee on Narcotics to hold joint hearings on this proposal. The committees should solicit the input of professionals from many different fields in an effort to develop a long-term educational component to add to our arsenal in the war against drugs.

MARIO BIAGGI.
MAJOR R. OWENS.
STEPHEN J. SOLARZ.